

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a/ ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOC”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

DECLARATION OF JESSICA PHILLIPS

I, Jessica Phillips, on this 7th day of February, 2022, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Partner at the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”), one of the law firms representing the Plaintiffs in this action.

2. I submit this Declaration in support of Plaintiffs’ Petition for Attorneys’ Fees and Costs. Except to the extent otherwise expressly indicated, I have personal knowledge of the matters set forth in this Declaration.

3. During the period of time relevant to Plaintiffs’ Petition for Attorneys’ Fees and Costs, I was a Partner at Boies Schiller Flexner LLP (“BSF”) and then a Partner at Paul, Weiss.

4. I am a member in good standing of the Washington, D.C. and Illinois State Bars. I am also admitted to practice before the Supreme Court of the United States, the United States Court of Appeals for the Seventh Circuit, the United States Court of Appeals for the District of Columbia, the United States District Court for the Eastern District of Michigan, and the United States District Court for the District of Columbia. I have been admitted to appear *pro hac vice* before this Court for and on behalf of the Plaintiffs in the above-captioned action.

5. I have represented Plaintiffs since the fall of 2017. I have worked closely with all of the attorneys and staff members at BSF who worked on this matter, including the five other individuals for whom Plaintiffs are seeking reimbursement of fees in this Petition for Attorneys’ Fees and Costs—Karen Dunn, William Isaacson, Yotam Barkai, Katherine Cheng, and Brittany Zhang—whose qualifications are described briefly below.

6. I have been a Partner at Paul, Weiss since July 2020. I was a Partner at BSF for approximately 2.5 years and before that a Counsel at BSF for 1.5 years. Prior to that, I was an associate for seven years at Latham & Watkins LLP. I am an experienced trial attorney who has

litigated a variety of complex commercial cases in federal and state trial and appellate courts across the country. I have participated in taking seven cases to trial and have won multiple victories on behalf of my clients. I have handled numerous appeals in both federal and state appeals court, including before the United States Supreme Court. I graduated from Northwestern University School of Law in 2006 and was elected to the Order of the Coif. After law school, I served as a law clerk to the Honorable Joel Flaum on the United States Court of Appeals for the Seventh Circuit and subsequently to the Honorable Justice Samuel Alito on the Supreme Court of the United States.

7. Karen Dunn has been a Partner at Paul, Weiss since June 2020. She was previously a Partner at BSF for approximately six years. She is an experienced trial lawyer who has been named “Litigator of the Year” by *The American Lawyer*. She was also named one of the *National Law Journal*’s “Outstanding Women Lawyers” and one of *Benchmark Litigation*’s top 10 female litigators. She has served as an Assistant U.S. Attorney for the Eastern District of Virginia and Associate White House Counsel under President Barack Obama. She graduated from Yale Law School in 2006, and served as a law clerk to the Honorable Merrick Garland on the U.S. Court of Appeals for the D.C. Circuit and the Honorable Stephen Breyer on the U.S. Supreme Court.

8. William Isaacson has been a partner at Paul, Weiss since June 2020. He was previously a partner at BSF for approximately 23 years. Mr. Isaacson is a Fellow of the American College of Trial Lawyers and was named both a “Litigator of the Year” in 2016 and a “Litigator of the Week” three times by *The American Lawyer*. He is an experienced trial lawyer whom *Chambers* has called a “celebrated trial lawyer,” and whom *The National Law Journal* named a Litigation Trailblazer. Mr. Isaacson graduated from the University of Virginia School of Law,

Order of the Coif, in 1986 and served as law clerk to Hon. Harrison L. Winter, Chief Judge, United States Court of Appeals for the Fourth Circuit.

9. Yotam Barkai has been an associate at Kaplan Hecker & Fink LLP since August 2020. He was previously an associate at BSF starting in 2015. Mr. Barkai is a skilled trial and appellate litigator. His practice focuses on complex litigation, appeals, and government investigations. Mr. Barkai has participated in trials and has also devoted significant time to appeals, including multiple amicus briefs on constitutional and civil-rights issues. He has been appointed *pro bono* counsel in various federal courts of appeals and has successfully argued before the First, Fourth, and Fifth Circuit Court of Appeals. Mr. Barkai graduated *magna cum laude* from the New York University School of Law in 2013, was elected to the Order of the Coif, and won numerous academic prizes and scholarships. After law school, Mr. Barkai served as a law clerk to the Honorable Katherine B. Forrest on the United States District Court for the Southern District of New York and subsequently to the Honorable Stephen F. Williams on the United States Court of Appeals for the D.C. Circuit.

10. Katherine Cheng has been Counsel at Goodwin Procter LLP since November 2021. Prior to accepting that position, and during the period of time relevant to Plaintiffs' Petition for Attorneys' Fees and Costs, Ms. Cheng was an associate at BSF—a position she held since July 2018. Prior to joining BSF, Ms. Cheng served as a law clerk to the Honorable Alan C. Kay on the U.S. District Court for the District of Hawaii. She was previously a litigation associate at Latham & Watkins LLP. Ms. Cheng is a skilled trial litigator and has been an integral part of multiple successful trial teams. Her practice focuses on complex civil and antitrust litigation, including antitrust conspiracy issues. She has devoted significant time to pro bono matters, including briefing a constitutional challenge in the Ninth Circuit relating to state election procedures and

previously representing homeless individuals in a constitutional challenge to a municipal ordinance. Ms. Cheng graduated from the UCLA School of Law in 2014, was elected to the Order of the Coif, and received multiple academic awards. During law school, she argued before the Ninth Circuit Court of Appeals and successfully won remand on behalf of her client.

11. Brittany Zhang has been a paralegal at BSF since July 2019. She conducts factual and legal research, helps manage case files, and assists with filings for a variety of cases. Ms. Zhang graduated from Georgetown University in 2019, where she worked as a residential assistant. She also interned at the Department of Justice and as served a legislative intern in Senator Charles Schumer's office.

12. This declaration solely concerns those fees incurred by BSF attorneys and paralegals.

13. Exhibit A hereto reflects time entries and reasonable fees associated with BSF work performed on Plaintiffs' successful Virginia Code Section 8.01-42 count and interrelated claims. Plaintiffs seek compensation for a total of \$1,309,843.50 in fees for approximately 5,078.2 hours of work performed at BSF the course of this litigation. This figure includes a \$79,501.00 deduction for fees previously requested by BSF. *See* ECF 929 (Petition Regarding Recoverable Attorneys' Fees), ECF 985 (Motion for Attorney Fees), ECF 1059 (Second Motion for Attorney Fees), ECF 1486 (Order).

14. For the Court's convenience, BSF's hours and fees that are part of this Petition can be summarized as follows:

Phase / Description	Date Range	BSF Hours	BSF Fees
Investigation and Drafting of the Complaint	8/14/17–10/10/17		
Motion to Dismiss	10/11/17–3/6/18	121.2	\$32,927.50.00
Discovery (Fact & Expert) and Summary Judgment ¹	3/7/18–8/23/21	4,957	\$1,356,417.00
Pretrial Disclosures and Motions	8/24/21–10/24/21		
Trial	10/25/21–11/23/21		
<i>Deduction for Fees Previously Sought</i>			- \$79,501.00
Total		5,078.2	\$1,309,843.50

15. The entries in Exhibit A show the date legal services were performed, the type of work done, the amount of time expended, and the hourly rates applied. The exhibit reflects an accurate accounting, based on contemporaneous records, of the time Ms. Dunn, Mr. Isaacson, Mr. Barkai, Ms. Cheng, Ms. Zhang, and I spent performing legal and paralegal services, respectively, necessary to the case and this Petition.

16. As set forth more fully in Plaintiffs' Petition for Attorneys' Fees and Costs, the requested hourly rates for the work described in Exhibit A are reasonable for the Charlottesville, Virginia legal market. These rates represent a substantial discount on BSF's standard hourly rates, including the firm's discounted rates for public-interest litigation. The hourly rates used are as follows:

¹ Discovery work began during the prior Motion to Dismiss phase and continued during the subsequent Pretrial Disclosures and Motions phase.

Name	Role	Hourly Rate
Karen Dunn	Partner	\$450
William Isaacson	Partner	\$400
Jessica Phillips	Partner	\$400
Yotam Barkai	Associate	\$225
Katherine Cheng	Associate	\$225
Brittany Zhang	Case Manager	\$100

17. Although dozens of other attorneys and staff members at BSF performed many hours of legal services throughout the litigation this case, their time has been excluded from the calculations in Exhibit A.

18. Exhibit A was created using entries for this litigation for the months of January 2018 through July 31, 2020 from BSF's invoicing system. Attorneys at Paul, Weiss reviewed entries of the six billers listed above, removed any attorney hours for non-legal or administrative tasks, and also adjusted hours that exceeded what would typically be charged to a client for this kind of work (*e.g.*, duplicative or excessive hours). Attorneys at Paul, Weiss then reviewed the descriptions in these fee entries for privilege and applied minimal redactions to protect information subject to attorney-client privilege or the attorney work-product protection.

19. The resulting fees included in Exhibit A were necessarily incurred in connection with Plaintiffs' successful Virginia Code Section 8.01-42 count and interrelated claims. They are the type of fees typically billed to clients for this type of work.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 9, 2022
Washington, D.C.

/s/ Jessica Phillips

Jessica Phillips